

### REMARKS

Claims 1 to 5, 9, 10, 13 to 15, 17 and 33 to 35 as amended are present.

The Examiner has required restriction to one of the following inventions.

- I. Claims 1-5, 9-10, 13-15, 17 and 33 drawn to compounds and composition.
- II. Claims 34-35 drawn to method of using compounds of Claim 1.
- III. Claims 37, 39-40 and 50 drawn to pharmaceutical combinations.

Applicants affirm their election of Group I claims 1-5, 9-10, 13-15, 17 and 33, species of Example 457 and 458.

The Examiner states that

"the following generic concept as depicted in claim 1 is identified for examination along with the elected embodiment: Q is C; A is O; Z is O; X is N; R<sup>1</sup> is H or lower alkyl; R<sup>2</sup> is H or lower alkyl; R<sup>2a</sup>, R<sup>2b</sup>, R<sup>2c</sup> each is H or lower alkyl; R<sup>3</sup> is aryloxyarylalkyl, arylalkoxyarylalkyl and alkylaryloxyarylalkyl; Y is CO<sub>2</sub>R<sup>4</sup>, where R<sup>4</sup> is H or alkyl; x is as defined; m is as defined; n is as defined; each of R<sup>2a</sup>, R<sup>2b</sup> and R<sup>2c</sup> is H or alkyl. The remaining subject matter of claims 1-5, 9-10, 13-17, 20 and 33 (in part) in their entirety stands withdrawn from further consideration under 37 CFR 1.142(b) as constituting other patentably distinct inventions."

The withdrawn subject matter of claims 1-5, 9-10, 13-15, 17, 33-35, 37, 39-40 and 50 (in part) in their entirety is properly restricted as said subject matter differs in structure and element from the elected subject matter so as to be patentably distinct therefrom, i.e. a reference anticipating the elected subject matter would not even render obvious the withdrawn subject matter and fields of search are not co-extensive."

Restricted claims have been cancelled and will be the subject of a divisional application.

Claims 1-5, 8-10, 13-17, 20, 33-35, 37, 39-40 and 50 in their entirety are objected to as containing non-elected subject matter identified supra."


Claims 1-5, 9-10, 13-15, 17, and 33-35, the only claims now present, have been amended to delete non-elected subject matter. However under the definition of R<sup>3</sup>, Applicants have included various other alkyl groups since the R<sup>3</sup> groups numerated above by the Examiner are variations of alkyl groups.

The Examiner suggests that the plural phrase "salts thereof", claim 1, page 3, line 1 of the preliminary amendment filed on 02/22/02, be replaced with the singular phrase "salt thereof". The claims have been amended accordingly.

WO 01/21602 is cited to show the state of the art. There is no disclosure or suggestion in WO 01/21602 of applicants' invention as now claimed.

In view of the foregoing, it is believed that Claims 1 to 5, 9, 10, 13 to 15, 17 and 33 to 35 are in condition for allowance.

Respectfully submitted,

  
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